

IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION

LASHUNDRA JACKSON

Plaintiff,

STATE OF ALABAMA DEPARTMENT OF
TRANSPORTATION, JOE MCINNES, IN HIS
OFFICIAL CAPACITY AS DIRECTOR OF THE
STATE OF ALABAMA DEPARTMENT OF
TRANSPORTATION

Defendants.

§ 87(2)(b)

CASE NO.: 2:07-CV-645-MEF

UNOPPOSED MOTION FOR EXTENSION OF TIME

Plaintiff moves this honorable Court for an order extending until July 1, 2008, the time for Plaintiff to respond to Defendant's Motion for Summary Judgment in this case. As grounds for this Motion, Plaintiff states as follows:

1. Defendant filed its Motion for Summary Judgment in this case on May 30, 2008. Plaintiff's response is currently due on June 17, 2008.
2. The parties had previously agreed that Plaintiff's counsel would take the depositions of the Defendant's witnesses during the first week of June 2008, which would have allowed Plaintiff to respond to the summary judgment motion by June 17, 2008. Subsequently, Plaintiff's counsel was notified that he was required to present oral argument in the 5th Circuit Court of Appeals on June 4, 2008 in the case of *Carmona v. Southwest Airlines*, Appeal No. 07-51071. The parties to this case attempted to reschedule the depositions for the following week (June 9-11), however Defendant's counsel is having a medical procedure performed during that week, and is not available for depositions.

3. The parties have scheduled the depositions of Defendant's witnesses for June 18-20, 2008. In order for Plaintiff to obtain the transcripts of the depositions in time to submit with the summary judgment response, Plaintiff seeks an extension of two weeks, until July 1, 2008, to complete the response to summary judgment.

4. Plaintiff files this motion cognizant of the Court's admonishments in its Order of May 9, 2008, regarding the delay in the preparation of this case. Plaintiff's counsel accepts responsibility for the delay, and apologizes for any inconvenience to the Court. After accepting representation of Plaintiff, Plaintiff's counsel relocated to Austin, Texas, and has attempted to limit the time and expenses in the case by combining travel to Alabama for depositions and discovery matters in this case with travel related to other matters pending in the State. The undersigned counsel understands that these concerns do not take priority over this Court's management of its docket, and hopes that the requested extension will not interfere with any of the deadlines in this case.

5. Defendant does not oppose the requested extension.

WHEREFORE, premises considered, Plaintiff requests an extension of two weeks, until July 1, 2008, to respond to Defendant's Motion for Summary Judgment.

Respectfully submitted

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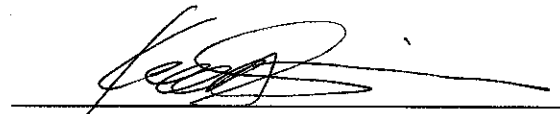


Kell Simon
Alabama State Bar No.: ASB-0214-O77K

CERTIFICATE OF SERVICE

I hereby certify that on this the 6th day of June, 2008, I electronically filed the foregoing with the Clerk of the Court using CM/ECFsystem, which will send notification to the following:

Jim R. Ippolito, Jr.
Andrew W. Redd
Jason A. Trippe
State of Alabama Department of Transportation
1409 Coliseum Boulevard
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Of counsel